

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ED BUTOWSKY,	§	
Plaintiff,	§	
	§	
V.	§	Civil Action No. 4:18CV442
	§	Judge Mazzant/Magistrate Judge Craven
DAVID FOLKENFLIK, ET AL.,	§	
Defendants.	§	

ORDER

The Court issues the following *sua sponte*. Contemporaneously with this Order, the undersigned United States Magistrate Judge is entering an Order On Rule 37 Sanctions Issues. Because the Court cites at length from a declaration which Defendants have filed under seal in connection with their Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 37, the Court has sealed the Order.

A district court must use caution when exercising its discretion to place records under seal because there is a “strong presumption that all trial proceedings should be subject to scrutiny by the public.” *United States v. Holy Land Found. for Relief & Dev.*, 624 F.3d 685, 690 (5th Cir. 2010); *see also Federal Sav. & Loan Ins. Corp. v. Blain*, 808 F.2d 395, 399 (5th Cir. 1987) (“The district court’s discretion to seal the record of judicial proceedings is to be exercised charily”). Even where no party opposes sealing, the burden is on the movant to establish the presumption in favor of public records is overcome.

Given this presumption, the Court will unseal the Order On Rule 37 Sanctions Issues. Before doing so, however, the Court will allow the parties twenty days from the date of entry of this Order in which to submit a proposed publicly-available redacted version of the Order. The

parties shall redact only those portions of the Order with respect to which the parties have a legitimate and overriding business interest in maintaining confidentiality and shall be prepared to submit a particularized showing regarding those redactions in the event the Court finds it necessary.

The parties shall advise the Court in writing if no redactions are necessary.

IT IS SO ORDERED.

SIGNED this 25th day of August, 2020.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE